

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION

LUTHER JOHNSON,

Plaintiff

VS.

WILLIAM TERRY, *et al.*,

Defendants

NO. 5:06-CV-412 (CAR)

PROCEEDINGS UNDER 42 U.S.C. §1983  
BEFORE THE U. S. MAGISTRATE JUDGE

**ORDER**

Plaintiff LUTHER JOHNSON has filed two motions to amend his complaint in the above-styled case, one of which has been docketed as an OBJECTION to the court's February 26<sup>th</sup> ORDER AND RECOMMENDATION. Tabs #13 and #14.

While it is true that under Rule 15(a) of the Federal Rules of Civil Procedure, leave to amend shall be freely given, it is by no means guaranteed. *Foman v. Davis*, 371 U.S. 178, 182 (1962). The Court has wide discretion in ruling upon motions to amend complaints. *United Assoc. of Journeymen & Apprentices etc. v. Georgia Power Co.*, 684 F.2d 721 (11<sup>th</sup> Cir. 1982).

In this case, the court finds that plaintiff's amended complaint contains the same allegations as his original complaint. There are no new allegations upon which relief could be granted under the facts of the amended complaint. Because the allegations contained in the amended complaints are the same as those in the original, there is no justification for amending the original complaint. Such an amendment is unnecessary, and although the court makes note of the information contained in the amended complaints, the plaintiff's motions to amend his complaint (Tabs #14 and #15) are **DENIED**.

SO ORDERED this 5<sup>th</sup> day of March, 2007.



CLAUDE W. HICKS, JR.  
UNITED STATES MAGISTRATE JUDGE